

**DENTISTRY EXAMINING BOARD  
MADISON, WI  
REGULAR MEETING  
JANUARY 7, 2004**

**MEMBERS PRESENT:** Bruce Barrette, DDS; David Carroll, RDH; Keith D. Clemence, DDS; Nanette Kosydar Dreves, RDH; Judith Ficks; Wilbur Gill, DDS; Karen Jahimiak, DDS; Cathy Schleis, RDH; Arthur Srb; Richard Strand, DDS; and Bruce Wayne Trimble, DDS

**STAFF PRESENT:** Tom Ryan, Bureau Director; Jacquelynn Rothstein, Legal Counsel; Pamela Meicher, Program Assistant and other DOE staff for portions of the meeting.

**GUESTS:** Lori Barbeau, DDS; William R. Skarie, DDS; Wayne Siesennip; Gregg A. Seyler, DDS; Shirley Gutlowski; S. Goetz, WDHA; Emily Kinsell Berger, RDH, WDHA; Mara Brooks, WDA; Dennis Engel, DDS, WDA

**CALL TO ORDER**

Chair Bruce Barrette, DDS, called the meeting to order at 8:39 a.m.

**PLEDGE OF ALLEGIANCE**

The Board gave the pledge of allegiance.

**APPROVAL OF AGENDA**

**Additions to the Agenda:**

Letter from Robert Campbell, DDS, President, American Dental Society of Anesthesiology  
Letter from the American Dental Association – Call for Comments Regarding Resolution 90  
Evaluation letter – Linda Terlecke, DDS  
Letter from James S. Markesan, DDS  
Editorial from AADE Newsletter  
Stipulation – Gregg A. Seyler, DDS  
Stipulation – Lynn M. Randel, DDS  
Remediation to retake CRDTS – Matthew Kutz, DDS

**MOTION:** Richard Strand, DDS, moved, seconded by Keith Clemence, DDS, to approve the agenda as amended. Motion carried unanimously.

## **APPROVAL OF MINUTES NOVEMBER 5, 2003**

### **Amendments to the minutes:**

Page 1 – Add DDS to William Skarie's name.

Page 2 – Change the July 5 meeting to July 7

**MOTION:** Wilber Gill, DDS, moved, seconded by Catherine Schleis, RDH, to approve the minutes as amended. Motion carried unanimously.

### **ELECTION OF OFFICERS**

**MOTION:** Wilber Gill, DDS, moved, seconded by Judith Ficks, to elect Bruce Barrette, DDS, as Chair of the Dentistry Examining Board. Motion carried unanimously.

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Arthur Srb, to elect Richard Strand, DDS, as Vice-Chair of the Dentistry Examining Board. Motion carried unanimously.

**MOTION:** Judith Ficks moved, seconded by Wilber Gill, DDS to elect Nanette Kosydar Dreves, RDH, as Secretary of the Dentistry Examining Board. Motion carried unanimously.

### **ADMINISTRATIVE REPORT**

Bruce Barrette, DDS, advised the Department that the Credentialing Committee and Screening Panel members will remain the same until the July meeting. In July, the Credentialing Committee members will be Dr. Strand, Dr. Clemence, and Catherine Schleis, RDH. The Screening Panel members will be Dr. Jahimiak, Dr. Carroll, and Judith Ficks. Judith Ficks will remain the IPP Liaison and Dr. Gill will remain the Monitoring Liaison to the Department.

### **Regulatory Digest:**

Tom Ryan reported that the Department will be publishing a DEB Regulatory Digest in the near future. Dr. Barrette stated that Nanette Kosydar Dreves, RDH, will remain the Regulatory Digest Editor. Mr. Ryan will work with Ms. Dreves on the articles. Currently under consideration for inclusion in the Digest are articles on the following: record keeping reminders; teeth whitening; welcoming the new Secretary; disciplines; and sexual harassment. The Board would prefer a paper copy and would also like at least two issues per year. The Board believes it is important to communicate with licensees, and sending the publication out via US mail will reach the majority.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER CONCERNING ALAN SPAETH, DDS;  
CASE ADVISOR RICHARD STRAND, DDS**

DOE Attorney Gilbert Lubcke presented a proposed stipulation in the matter concerning Alan Spaeth, DDS. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER CONCERNING EUGENE WEBER, DDS;  
CASE ADVISOR CATHERINE SCHLEIS, RDH**

DOE Attorney James Polewski presented a proposed stipulation in the matter concerning Eugene Weber, DDS. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER CONCERNING REBECCA J. SWENSON, DDS;  
CASE ADVISOR KEITH CLEMENCE, DDS**

DOE Attorney Jeanette Lytle presented a proposed stipulation in the matter concerning Rebecca Swenson, DDS. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER CONCERNING GREGG A. SEYLER, DDS;  
CASE ADVISOR KAREN JAHIMIAK, DDS**

DOE Attorney Gilbert Lubcke and Attorney Wayne Sullivan presented a proposed stipulation in the matter concerning Gregg A. Seyler, DDS. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER CONCERNING LYNN M. RANDEL, DDS;  
CASE ADVISOR DAVID CARROLL, RDH**

DOE Attorney Michael Berndt presented a proposed stipulation in the matter concerning Lynn M. Randel, DDS. This matter will be deliberated on in closed session.

**PERMISSION TO ATTEND ANNUAL WDA MEETING, JANUARY 17, 2004, - BRUCE  
BARRETTE, DDS**

**MOTION:** Richard Strand, DDS, moved, seconded by Keith Clemence, DDS, in favor of delegating Dr. Barrette to attend the Annual WDA Meeting, January 17, 2004, in Kohler, WI. Motion carried unanimously.

**PERMISSION TO ATTEND DHAW MEETING – CATHERINE SCHLEIS, RDH;  
DAVID CARROLL, RDH**

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Keith Clemence, DDS, approving Catherine Schleis, RDH and/or David Carroll, RDH to attend DHAW meetings as they are invited. Motion carried unanimously.

**WISCONSIN PRISON QUALITY OF CARE TOURS – APPOINTMENT OF BOARD  
REPRESENTATIVES**

Carrie Matthews, DOE Investigator, addressed the Board about the prison quality of care tours. The new Administrator of the Department of Corrections has requested input from DOE to help revise outmoded prison healthcare policies. Dr. Barrette appointed David Carroll, RDH, as the Board representative.

**DEPARTMENT SCOPE STATEMENT AND PRELIMINARY RULE DRAFT –  
UNIFORM REEXAMINATION RESTRICTIONS AND OTHER PENALTIES FOR  
APPLICANTS WHO CHEAT ON EXAMINATIONS**

Tom Ryan reviewed the Department's scope statement relating to cheating. Mr. Ryan stated that the Department is taking the lead to create uniform rules relating to cheating for all professions. The rule would provide guidance and options for Boards. DRL legal counsel added that one reason the rule is needed is due to technology changes. Candidates have become more clever and creative in using the technology that is available to cheat. The Board provided input on the proposed rule. Of particular concern was the potential ability for a candidate to receive a refund of costs even if discovered cheating. Mr. Ryan was requested to convey this concern on behalf of the DEB.

**ORAL CONSCIOUS SEDATION – RULES DISCUSSION**

Bruce Barrette, DDS, briefly described the oral conscious sedation rule and solicited comment on its provisions. Richard Strand, DDS, shared the AADE discussion that took place in San Francisco. There are concerns surrounding oral titration, which include overdosing, inadequate training, and insufficient clinical experience case work. The Board has reservations with respect to adopting a titration model because of these concerns. Dr. Gill expressed concerns with inspections and whether the Department has the capability of funding inspections. Dr. Barrette and DRL legal counsel will work together to provide the Board with further information.

**SCOPE STATEMENT RE: DEFINITION OF DENTAL SCHOOL – DISCUSSION**

The Board briefly discussed the definition of a dental school. The Board needs to define dental school and who the Board recognizes as an accrediting agency. The Board would like to delay further discussion until more information can be gathered on who performs the accreditation.

**MOTION:** Wilber Gill, DDS, moved, seconded by Richard Strand, DDS, in favor of issuing a scope statement for the definition of a dental school and delegate authority to Dr. Barrette to review it. In March, the Board will begin analysis of the language for the definition and address the concern of accrediting agencies. Motion carried unanimously.

#### **POLICY STATEMENT ON FAILURES – CRDTS, WREB**

The Board discussed the policy statement on failures of the regional examination. The Board would like failures on WREB, CRDTS and other regional examination failures queried separately on the application form. The Board requested that the credentialing staff update the application forms so that there are separate boxes to indicate if CRDTS, WREB, or other regional and state examinations were failed. This is necessary so that three time failures are flagged for Board review.

**MOTION:** Judith Ficks moved, seconded by Catherine Schleis, RDH, in favor of failures of CRDTS and WREB being equivalent and in favor of a place on the application form querying for the number of failures on CRDTS, WREB and other regional and state examinations, and that this information be conveyed to the credentialing staff. Motion carried unanimously.

#### **DHFS WORKFORCE SURVEY – CATHY POND**

Cathy Pond reported to the Board that the DHFS Workforce surveys were mailed out with renewals. The statutes and the rules grant DHFS the authority to mail surveys to license holders. The DRL agreed to mail the Surveys starting a couple of years ago to avoid the expense of a separate mailing. DRL was not notified of the need for inclusion of the survey until the day renewals were mailed. Bruce Barrette, DDS, does not believe that DRL should be responsible for collecting DHFS information and would like to be apprised of any new information relating to the DHFS survey.

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Judith Ficks, in favor of Bruce Barrette, DDS, writing a letter to DHFS Secretary Helen Nelson stating that the DEB does not want DHFS work surveys included in their renewal mailings. Motion carried unanimously.

## **REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES**

### **Circuit Court Decision, Lee Krahenbuhl, DDS:**

William Dusso, General Counsel provided the Board with a memo and a copy of the order affirming the Board's action against Lee Krahenbuhl, DDS. Dr. Krahenbuhl's license was suspended for six months as of 12-07-03. The Board would like DOE to report on their follow up of Dr. Krahenbuhl at the March meeting.

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Judith Ficks, in favor of DOE following-up on Dr. Krahenbuhl to ensure he is not practicing dentistry by calling his office, visiting his office in person, inspecting his appointment book, and reporting back to the Board in March. Motion carried unanimously.

### **Fee Study – follow up – Elizabeth Reinwald:**

Elizabeth Reinwald, Budget Director, joined the Board to discuss their concerns with Department fee and renewal structures and how allocations are determined. Ms. Reinwald reported that Grant Thornton's fee study of the Department was completed in May and that the Legislative Audit Bureau is currently conducting an audit. Ms. Reinwald explained that the Department has been required to reduce its spending authority by \$300,000. She also explained that over two thirds of the budget is allocated to personnel. The Department has requested that each employee track time by profession. This information will be used by Ms. Reinwald to better report actual spending by the Department.

### **SB 227 – Prioritization of disciplinary cases for healthcare professionals:**

Dr. Barrette asked some questions on SB 227, relating to unprofessional conduct. The bill is a collaborative approach between boards and health care institutions to identify providers who may be at risk of breaching the public health and safety. Dr. Barrette would like Chris Klein to keep the Board apprised of any new information relating to any bill that may impact their Board.

### **Regulatory Reform Bill:**

Dr. Barrette asked why the Board was not notified of this bill. Mr. Ryan reported that the bill was not released until November 11 and that the hearing was held on November 12. Mr. Ryan will ask Chris Klein for any reports on bills that may impact the Board, follow-up on AB 655, and add this to the March agenda.

## **CRDTS REPORT AND UPDATES**

Dr. Barrette reported that the annual meeting will be held in Kansas City in March. Dr. Strand reported that the program will include clinical examinations, licensures and the past, present and future of CRDTS. He also reported that CRDTS is exchanging examiners with WREB. Dr. Barrette was an examiner in December 2003 and Dr. Strand will be an examiner in May 2004.

## **AADE UPDATES**

Dr. Barrette advised the Board that the AADE annual meeting will be held in Chicago, IL, March 28-30, 2004. He encouraged Board members and Department staff to attend that meeting. Mr. Ryan reminded the Board that Department policy currently allows reimbursement of one trip per fiscal year (June to June) for each Board.

**MOTION:** Judith Ficks moved, seconded by Catherine Schleis, RDH, in favor of requesting funding for Nanette Kosydar Dreves, RDH, Dr. Strand and Dr. Jahimiak to attend the AADE annual meeting in Chicago, IL, March 28-30, 2004. Motion carried unanimously.

## **INFORMATIONAL ITEMS**

Noted.

**MOTION:** Karen Jahimiak, DDS, moved, seconded by Keith Clemence, DDS, in favor of allowing Drs. Barbeau and Skarie to sit in closed session with the Board. Motion carried unanimously.

## **ADJOURN TO CLOSED SESSION**

**MOTION:** Judith Ficks moved, seconded by Karen Jahimiak, Desoto adjourn to closed session pursuant to Wisconsin State Statutes 19.85(1) (a) (b) (f) and (g) for the purpose of reviewing applications, considering requests for stays of suspension, review of second amended petition for extension of deadline to pay costs, deliberation of proposed stipulation, meeting with the Division of Enforcement and consulting with Legal Counsel. Roll call vote: Bruce Barrette, DDS – yes; David Carroll, RDH – yes; Keith Clemence, DDS – yes; Nanette Kosydar Dreves, RDH – yes; Judith Ficks – yes; Wilber Gill, DDS – yes; Karen Jahimiak, DDS – yes; Catherine Schleis, RDH – yes; Arthur Srb – yes; Richard Strand, DDS – yes; and Bruce Wayne Trimble, DDS – yes. Motion carried unanimously.

Open session adjourned at 12:10 p.m.

**RECONVENE INTO OPEN SESSION**

**MOTION:** Judith Ficks moved, seconded by Wilber Gill, DDS, to reconvene into open session. Motion carried unanimously.

Reconvened to open session at 2:15 p.m.

**VOTING ON ITEMS CONSIDERED/DELIBERATED  
ON IN CLOSED SESSION**

**GREGG A. SEYLER, DDS - PROPOSED STIPULATION**

**MOTION:** Judith Ficks moved, seconded by Nanette Kosydar Dreves, RDH, to adopt the Final Decision, Order and Stipulation in the matter concerning Gregg A. Seyler, DDS. Karen Jahimiak, DDS, was absent during deliberations and abstained. Motion carried.

**MOTION:** Judith Ficks moved, seconded by David Carroll, RDH, in favor of approving Mary A. Alford, MSW, CADCIII; as the initial assessor and the supervising healthcare provider in the matter concerning Gregg A. Seyler, DDS. Karen Jahimiak, DDS, was absent during deliberations and abstained. Motion carried.

**LYNN M. RANDEL, DDS - PROPOSED STIPULATION**

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Richard Strand, DDS, in favor of rejecting the proposed stipulation in the matter concerning Lynn M. Randel, DDS. David Carroll, RDH, was absent during deliberations and abstained from voting. Motion carried unanimously.

**ALAN SPAETH, DDS - PROPOSED STIPULATION**

**MOTION:** Karen Jahimiak, DDS, moved, seconded by Wilber Gill, DDS, to adopt the Final Decision, Order and Stipulation in the matter concerning Alan Spaeth, DDS. Richard Strand, DDS, was absent during deliberations and abstained from voting. Motion carried.

**EUGENE WEBER, DDS – PROPOSED STIPULATION**

**MOTION:** Wilber Gill, DDS, moved, seconded by David Carroll, RDH, to adopt the Final Decision, Order and Stipulation in the matter concerning Eugene Weber, DDS. Catherine Schleis, RDH, and Richard Strand, DDS, were absent during deliberations and abstained from voting. Motion carried.



**REBECCA J. SWANSON, DDS – PROPOSED STIPULATION**

**MOTION:** Judith Ficks moved, seconded by Nanette Kosydar Dreves, RDH, to adopt the Final Decision, Order and Stipulation in the matter concerning Rebecca J. Swanson, DDS. Keith Clemence, DDS, was absent during deliberations and abstained from voting. Motion carried.

**G.V. BURKHOLDER, DDS – POST-SETTLEMENT LETTER**

**MOTION:** Judith Ficks moved, seconded by Nanette Kosydar Dreves, RDH, in favor of empowering the DRL's legal counsel to the Board to write a letter to G.V. Burkholder, DDS, reaffirming the Board's decision and order he remove any mention of Orthodontics from his business letterhead. Motion carried unanimously.

**MOTION:** Wilber Gill, DDS, moved, seconded by Catherine Schleis, RDH, favor of having DOE follow-up with G.V. Burkholder, DDS, via an unannounced physical visit, to ensure that he is not practicing orthodontics and that the term Orthodontics has been removed from his letterhead. Motion carried unanimously.

**WILLIAM BEAUPRE, DDS – REQUEST FOR STAY OF SUSPENSION**

**MOTION:** Karen Jahimiak, DDS, moved, seconded by Catherine Schleis, RDH, to grant a three month stay of suspension in the matter concerning William Beaupre, DDS. Motion carried unanimously.

**JAMES MARKESON, DDS – REQUEST FOR STAY OF SUSPENSION AND MODIFICATIONS**

**MOTION:** Wilber Gill, DDS, moved, seconded by Richard Strand, DDS, to grant a three month stay of suspension in the matter of James Markeson, DDS, deny any Order modifications, and orders him to a 5 day residential evaluation at the Herrington Recovery Center at Rogers Hospital. Motion carried unanimously.

**BLAIR MODELHAUER, DMD – REQUEST FOR STAY OF SUSPENSION**

**MOTION:** Bruce Wayne Trimble, DDS, moved, seconded by David Carroll, RDH, to grant a three month stay of suspension in the matter concerning Blair Moldenhauer, DMD. Motion carried unanimously.

**JOHN REED, DDS – REQUEST FOR STAY OF SUSPENSION**

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Karen Jahimiak, DDS, to grant a three month stay of suspension in the matter concerning John Reed, DDS. Motion carried unanimously.

**LINDA TERLECKE, DDS – REQUEST FOR REVIEW OF MENTOR LIST**

**MOTION:** Wilber Gill, DDS, moved, seconded by Karen Jahimiak, DDS, to grant a three month extension to Linda Terlecke, DDS, to attain an assessment. Motion carried unanimously.

**MOTION:** Wilber Gill, DDS, moved, seconded by Karen Jahimiak, DDS, to approve Glen Haberman, DDS, as a mentor for Linda Terlecke, DDS. Motion carried unanimously.

**IPP CASE NO. 260 – MOTION TO DISMISS  
(SUCCESSFUL COMPLETION OF PROGRAM)**

**MOTION:** Judith Ficks moved, seconded by Nanette Kosydar Dreves, RDH, in favor of dismissing IPP Case No. 260. Motion carried unanimously.

**MATTHEW KUTZ, DDS - REMEDIATION TO RETAKE CRDTS EXAMINATION**

**MOTION:** Judith Ficks moved, seconded by Nanette Kosydar Dreves, RDH, in favor of Matthew Kutz, DDS completing a semester of clinical dentistry, and taking and passing his Mock Boards. Motion carried unanimously.

**CASE STATUS REPORT**

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Karen Jahimiak, DDS, to close complaint **03 DEN 032** for no violation. Motion carried unanimously.

**MOTION:** Bruce Wayne Trimble, DDS, moved, seconded by David Carroll, RDH, to close complaint **97 DEN 052** for insufficient evidence. Vote taken: Bruce Barrette, DDS-yes; David Carroll, RDH-yes; Keith Clemence, DDS-yes; Nanette Kosydar Dreves, RDH-yes; Judith Ficks-yes; Wilber Gill, DDS-yes; Karen Jahimiak, DDS-yes; Catherine Schleis, RDH-yes; Arthur Srb-yes; Richard Strand, DDS-no; Bruce Wayne Trimble, DDS-yes. Motion carried.

**MOTION:** Judith Ficks moved, seconded by Karen Jahimiak, DDS, to close complaint **95 DEN 128, 96 DEN 102, 97 DEN 097, 98 DEN 093, and 00 DEN 126** for prosecutorial discretion. Vote taken: Bruce Barrette, DDS-yes; David Carroll, RDH-yes; Keith Clemence, DDS-yes; Nanette

Kosydar Dreves, RDH-yes; Judith Ficks-yes; Wilber Gill, DDS-yes; Karen Jahimiak, DDS-yes; Catherine Schleis, RDH-yes; Arthur Srb-yes; Richard Strand, DDS-no; Bruce Wayne Trimble, DDS-yes. Motion carried.

**MOTION:** Catherine Schleis, RDH, moved, seconded by Arthur Srb, to close complaint **96 DEN 027** for prosecutorial discretion. Vote taken: Bruce Barrette, DDS-no; David Carroll, RDH-yes; Keith Clemence, DDS-yes; Nanette Kosydar Dreves, RDH-yes; Judith Ficks-no; Wilber Gill, DDS-yes; Karen Jahimiak, DDS-yes; Catherine Schleis, RDH-yes; Arthur Srb-yes; Richard Strand, DDS-yes; Bruce Wayne Trimble, DDS-yes. Motion carried.

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Catherine Schleis, RDH, to close complaint **03 DEN 033** for prosecutorial discretion. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Judith Ficks moved, seconded by Nanette Kosydar Dreves, RDH, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:29 p.m.